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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,904	09/24/2003	Steven J. Harrington	D/A2455	5767

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EXAMINER

TRAN, TUYETLIEN T

ART UNIT	PAPER NUMBER
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2179

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05/23/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/669,904	Applicant(s) HARRINGTON, STEVEN J.	
	Examiner TuyetLien (Lien) T. Tran	Art Unit 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1 and 23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This action is responsive to the following communication: Amendment filed 04/25/07.

**This action is made final.**

2. Claims 1 and 23 are pending in the case. Claim 1 is independent claims. Claims 1 and 23 are amended claims.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action.

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Czerwinski et al. (Pub No. US 2004/0066414 A1, hereinafter Czerwinski) in view of Mander et al (Patent No US 6243724 B1; hereinafter Mander).**

***As to claim 1***, Czerwinski teaches:

A method for managing a plurality of opened documents being displayed on an electronic desktop of an electronic device (i.e., a method for managing software application windows such as word processing program, see [0007] and [0003]), an opened document being an application invoked created area on the electronic desktop of the electronic device (i.e., each instantiated program is represented as one or more graphical windows displayed on the desktop portion such as control tiles 118, 120, 122, 124 corresponding to the instantiated programs 106, 108, 110, 112, see [0035] and [0036]), comprising:

(a) displaying a first icon associated with a first opened document in a predetermined form (e.g., item 118 in Fig. 1);

(b) displaying a second icon associated with a second opened document in the predetermined form (e.g., item 120 in Fig. 1);

(c) displaying a third icon associated with a third opened document in the predetermined form (e.g., icon 124 in Fig. 1; note that icons 118, 120, and 124 correspond to the instantiated programs that are displaying on the desktop, see [0037] and Fig. 1);

(d) selecting the first icon associated with the first opened document being displayed on the electronic desktop of the electronic device (i.e., selecting item 118, see Fig. 2A and [0037]);

(e) placing the first icon associated with the first opened document onto the second icon associated with the second opened document (e.g., placing item 118 onto item 120; note that a user can utilize traditional drag and drop functionality to select and group control tiles, see Fig. 2A and [0037]);

(f) modifying an appearance of the first icon associated with the first opened document to display an icon group showing the first icon as part of the icon group when the first icon associated with the first opened document is placed onto the second icon associated with the second opened document (i.e., icon 118 is transformed into icon 126, see Fig. 2A; note that the group icon 126 may be represented solely by the group control icon 128 as shown in Fig. 5);

(g) displaying a virtual pile icon representing a virtual pile when the first icon is placed onto the second icon (e.g., see group icon 126 or icon 128 as shown in Fig. 2A and Fig. 5 respectively);

(h) selecting the third icon associated with the third opened document being displayed on the electronic desktop of the electronic device (e.g., selecting icon 124, see Fig. 3 and [0037]);

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(i) placing the third icon associated with the third opened document onto the virtual pile icon (e.g., placing item 124 onto group icon 126, see Figs. 4, 7 and [0038]);

(j) modifying an appearance of the third icon associated with the third opened document to display the third icon as part of the icon group when the third icon associated with the third opened document is placed onto the virtual pile icon (e.g., see item 140 in Fig. 7); and

(k) modifying the appearance of the virtual pile icon (e.g., see item 140 in Fig. 7);

However, Czerwinski does not expressly teach that when the first icon associated with the first opened document is placed onto the second icon associated with the second opened document, modifying an appearance of the first icon associated with the first opened document to display a first single line segment;

modifying an appearance of the third icon associated with the third opened document to display a second single line segment when the third icon associated with the third opened document is placed onto the virtual pile icon

the virtual pile icon having the appearance of the second icon in the predetermined form with the first single line segment representing the first icon associated with the first opened document and the second single line segment representing the third icon associated with the third opened document thereunder;

Mander, though, teaches a method for organizing information in a computer system, particularly one having a graphical user interface which includes graphical representations of documents (e.g., see col. 2 lines 63-67; note that the graphical representations can be icon or can be any item or feature displayed on the display screen of the computer system, see col. 3 lines 1-5 and col. 7 lines 29-40; further note that the graphical representation may be a miniature of the first page of the actual document or an icon of the document type, a set of keywords related to the document or a set of attributes relating to the document, see col. 7 lines

1-8); wherein the method further allows a user to create a pile by selecting one graphical representation of a document and depositing on top of another graphical representation of a document (e.g., see col. 3 lines 5-20); Mander further teaches:

(f) modifying an appearance of the first icon associated with the first document to display a first single line segment when the first icon associated with the first document is placed onto the second icon associated with the second document (e.g., see Fig. 3; note that when icon 105 is placed onto icon 103, the appearance of icon 103 is modified to displayed a first single line segment; although icon 105 is considered the top icon of the pile, also displaying them in different position in the pile would not leave the scope and spirit of the disclose invention because Mander suggests to the skilled artisan that items or icon can be added anywhere into a pile such as in the middle of the pile, see col. 15 lines 15-22 and col. 37 lines 5-12).

(g) displaying a virtual pile icon representing a virtual pile when the first icon is placed onto the second icon, the virtual pile icon having an appearance of the second icon in the predetermined form with the first single line segment representing the first icon associated with the first document thereunder (e.g., see Fig. 3; note that pile 112 is created when icon 105 is placed onto icon 103; although icon 105 is considered the top icon of the pile, also displaying them in different position in the pile would not leave the scope and spirit of the disclose invention because Mander suggests to the skilled artisan that items or icon can be added anywhere into a pile such as in the middle of the pile, see col. 15 lines 15-22 and col. 37 lines 5-12);

(j) modifying an appearance of the third icon associated with the third document to display a second single line segment when the third icon associated with the third document is placed onto the virtual pile icon (e.g., note that the pile increase in height when a document is added to the pile, see col. 7 lines 35-40 and Fig. 4a); and

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(k) modifying the appearance of the virtual pile icon, the virtual pile icon having the appearance of the second icon in the predetermined form with the first single line segment representing the first icon associated with the first document and the second single line segment representing the third icon associated with the third document thereunder (e.g., note that the pile shown in Fig. 4a includes more than 2 documents with the top icon having an appearance of the icon 105 in the predetermined form and single lines segments representing other icons included in the pile; although the pile display in Fig. 4a having more than 3 documents, also displaying them with only 3 documents; that is the top document and other lines segment representing underneath documents would not leave the scope and spirit of the disclose invention because Mander suggests to the skilled artisan that a user can drag one document and place on top of another document or a pile to create a pile or to add a document to a pile, see col. 7 lines 35-40, col. 8 lines 47-59 and col. 37 lines 5-12 ).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Mander with the teaching of Czerwinski to provide a user the ability to organize information in a computer system to avoid the clutter problem.

***As to claim 23***, Czerwinski further teaches:

(l) providing information regarding an opened document in the virtual pile, when a mouse-over event is initiated upon the icon in the virtual pile representing the opened document (e.g., see Fig. 8 and [0046]).

#### ***Response to Arguments***

5. Applicant's arguments, see Applicant's remark pages 4-7, filed 4/25/07, with respect to the rejection of claims 1 and 23 under 102 rejection have been fully considered and are

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persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of the prior art of Mander.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

**It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TuyetLien (Lien) T. Tran whose telephone number is 571-270-1033. The examiner can normally be reached on Mon-Friday: 7:30 - 5:00 (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

T.T  
5/21/2007

Lien Tran  
Examiner  
Art Unit 2179

  
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PRIMARY EXAMINER